

REMARKS

Applicant wishes to thank the Examiner for examining the application and for the courtesy extended in granting a telephone interview with Applicant's agent, Sean X. Zhang, conducted on April 30, 2010. The withdrawal of the 35 USC § 101 rejection is also acknowledged. Applicant also notes that the specification is no longer objected to by the Examiner.

Claims 14-56 are pending and all pending claims still stand rejected.

Claim rejections under 35 USC § 103 were discussed in the telephone interview. During the interview, it was clear that the claim rejections were still based on claim language submitted for consideration on January 23, 2009, not the amended claims submitted for the Examiner's consideration on June 9, 2009.

For example, on page 5 of the Office Action, it is stated that "Schiavone does not expressly disclose that receiver subsystem is configured to permit the sender subsystem to propose new categories for adding to a listing of receiver categories Gross further discloses permitting the sender subsystem to propose new categories for adding to a listing of receiver categories [0263]." And, further on pages 5 and 6, "[i]t would have been obvious to one of ordinary skill in the art to have modified Schiavone's system for negotiating email transactions to have included Gross' teachings. Specifically, one would have been motivated to include the feature of enabling a receiver to either accept or reject sender-proposed categories into Schiavone's negotiations functionality."

However, the claims currently pending for examination does not contain the "propose new categories for adding" language. For example, claim 14 currently on file recites "wherein the receiver subsystem is configured to permit the sender subsystem to add a new category ~~propose new categories for adding~~ to a listing of receiver categories". Other independent claims have also been similarly amended to recite "the receiver subsystem is configured to permit the sender subsystem to add a new category" or claim limitations in similar language, in the claim amendment submitted on June 9, 2009. Thus, the amended claims still have not been considered by the Examiner.

As the Examiner apparently rejected claims not of Applicant and has not considered the claims before the Examiner for examination, it is believed that a clear issue has not been and cannot be developed between the Examiner and Applicant and therefore the final rejections are not proper (MPEP 706.07). The Examiner agreed during the telephone interview that upon receiving a response from Applicant noting this deficiency in the Office Action, the Examiner will withdraw the

claim rejections and issue another Office Action. Withdrawal of the finality of the Office Action and the rejections of the claims is respectfully requested.

To help the Examiner with the next Office Action, Applicant also provides the following observation. A set of amended claims was submitted for the Examiner's consideration on June 9, 2009. In claim rejections, the Examiner cited teachings in cited references toward features that do not exist in the amended claims. The Examiner is still yet to identify teachings in Gross of a receiver subsystem, not a human receiver, that is configured to permit a sender subsystem, again not a human sender, to add a new category to a listing of receiver categories, as required by Applicant's claims.

Having not identified any teachings in these cited references relevant to features explicitly and specifically recited in Applicant's claims, it is respectfully submitted that the Examiner has not established a prima facie case that the pending claims would have been obvious in view of any of the cited references. Accordingly, it is respectfully submitted that all pending claims, in their current form, are all allowable over the references cited and that the application is in condition for allowance. Early allowance of the present application is respectfully requested.

If the Examiner believes that a telephone interview would help expedite the prosecution of the application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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